IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL WRIT PETITION NO.621 OF 2006

Jayashree d/o Manibhai Shah... Petitioner

versus

State of Maharashtra & ors... Respondents

Mr.Chourasia,i/b A.M.Saraogi,Advocate for Petitioner

Ms.A.S.Pai,A.P.P.for Respondents

CORAM : J.N.PATEL AND SMT.ROSHAN DALVI, JJ

DATED : 16th October, 2006

P.C.

1. Heard learned counsel for the parties.

2. The petitioner is approaching this Court with a grievance that the petitioner has filed an application for furnishing information under Right

to Information Act, 2005 which was in respect of a complaint made by one Abdul Hussain Unwala against the petitioner on 28th July, 2004. But, inspite of the petitioner applying for certified copies of the documents, the same has not been supplied to her. She was required to approach the appellate authority i.e. the Dy.Commissioner of police, HQ-1 which rejected the application and by letter dated 26th June, 2006 informed the petitioner that she has a remedy to prefer an appeal against the order passed by the Dy.Commissioner of Police, HQ-1 by approaching the State Information Commissioner under section 19 (3) of the Right to Information Act, 2005.

3. Learned counsel for the petitioner fairly concedes that instead of approaching the State Information Commissioner as directed in the letter dated 26th June, 2006 the petitioner has rushed to this Court.

4. It will be in the interest of the petitioner to take recourse to the statutory remedy provided under the Act and if she is not satisfied, or aggrieved by the order, or by any decision of the authority concerned, then she may approach this

Court by invoking its writ jurisdiction.

5. Learned counsel for the petitioner submits that he will immediately prefer an appeal to the State Information Commissioner under section 19 (3) of the Right to Information Act, 2005.

6. In case the petitioner prefers an appeal as provided under section 19 (3) of the Act, before the State Information Commissioner within a period of two weeks from the date of passing of this order, we direct the State Information Commissioner to entertain the appeal and to take a decision in the matter within a period of four weeks from the date of presentation of the appeal.

7. Petition stands disposed with the aforesaid directions.

(Smt R.S.Dalvi,J) **(J.N.Patel,J)**